So Far, a Trial of the Complainant.

Justice Joseph M. Deuel of Special Sessions spent an uncomfortable day on the stand yesterday at the trial of Norman Hapgood, editor of Collier's Weekly, for criminal libel. Justice Deuel, who is the complaining witness, first testified that since 1895 he had not been counsel for Col. William D'Alton Mann of Town Topics, nor counsel for the company. Then it was brought out by the records of the company that in 1901 a salary of \$1,200 was voted to Justice Deuel as counsel on his own motion, he being an officer and stockholder in the company, and that he also got a "bonus" of \$1,000 for "past services." The law says that a a City Magistrate or Justice of Special Sessions shall not "carry on any business, or practice as an attorney and counsellor in any court in this State.

It was also shown that Justice Deuel is an officer and director in other publications allied with Col. Mann's interests, and that he draws a salary of \$1,800 from at least one of them. Justice Devel admitted that he drew the charters for some of these companies and that in one instance he got the awyer's fees from the Title Guarantee and Trust Company, which searched the title to property bought by Col. Mann's daughter, on which a new Town Topics building

Justice Dettel is the only witness for the prosecution. His direct testimony took up about ten minutes and the rest of the day he was under cross-examination. He will be cross-examined further to-day. Then the Colliers have a number of witnesses. and the case will last out the week.

District Attorney Jerome is conducting the prosecution himself, assisted by Assistant District Attorney O'Connor. Justice Deuel was cross-examined by James W. Osborne, Edward M. Shepard now and then suggesting questions. Mr. Shepard argued questions of law, and in one instance he said that it might be supposed from the case was being conducted that Justice Deuel and not Mr. Hapgood was on trial.

including Mrs. Robert J. Collier. The "Widow," who writes for Town Topics, was there. Col. Mann had a front seat, and a negro sat near him with a copy of that expensive book called "Fads and Fancies.

Justice Deuel first told of the various jobs he has had under the Federal Government-as many as five at one time-and then of becoming a Police Justice, City Magistrate in 1895, and finally a Justice of Special Sessions in 1903. He first met Col. Mann in About the same time he met Col. Mann's brother, Eugene D. Mann, now dead. He also did some law business for him. He had never ceased to advise Col. Mann, he said, but he was not his attorney from the time he became a Magistrate. He first got stock in Town Topics in 1893.

"Get it for nothing or pay money for it?" "I paid no money for it," said the witness.

after a long pause. "It was for services rendered prior to 1895.

Tpaid no money for "e," said the wirness, after a long patter. "It was for services after a long patter." It was for services that was the year that the law went interfect about disclose engaging many conceived by the pattern of th

"Your memory might be refreshed if I had a record. You did not neglect your duties in connection with these concerns because of your duties on the bench?"

"I didn't know they conflicted," said the witness. He said he read manuscripts for the Ess-Ess company. He never read manuscripts on the bench, he said. He read them at his kome. He deried that his opinion on manuscripts was final if the other readers disagreed. He wrote an "opinion" on a separate piece of paper and that went to Col. Mann.

"You got a rebate from the title company."

"You got a rebate from the title company the fees that usually go to a lawyer in such

"And a salary of \$9,000 from the city"

Then Justice Peuel said be not a salary of \$1,800 from the Ess-Ess company. He rendered no services for the salary from either company, he said. It was paid to him in appreciation of services rendered

either company, he said. If was gaid to him in appreciation of services rendered twenty years back.

"A bouns or tip?" asked Mr. Osborne.

"Not just as I say."

"What he wants to know," said the District, Attorney, "was it a gratuity?"

"Yes, it was," said Justice Deuel.

He had never heard that Eugene Mann, while editor of Forn Teptes, had been arrested and convicted in Spread Sessions of disseminating obscene distantine and indicated in 180 or the same charge. The indicatement on the indistingent which was the had not returned to face trial. All this was fought in to show that Justice Deuel know, and it developed that he saw Eugene Mann in 1900, and it developed that after the indictment diction of Torin Topice's hand controlled by the Friess. These changes of Torin Topice's hand all the controlled by the Friess. These changes of Torin Topice's hand all the controlled by the Friess. These changes of Torin Topice's hand all the controlled by the Friess. These changes of Torin Topice's hand all the controlled by the Friess. These changes of Torin Topice's hand all the changes which have been made on the other great systems.

Armstrong's piccine and accurate of the country. This event is discovered that the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is a twenty edity in the country. This event is the country. This event below to

DEUEL PAID BY TOWN TOPICS,

DOWN ON THE BOOKS AS COUNSEL,
ALTHOUGH A MAGISTRATE.

Sources of Income—Trial of Norman
Happood for Criminal Libel Resembles,
So Far a Trial of the Countyleinant. to remunerate the officers for their efforts in the past, so that they might be encouraged to do better. Mrs. Wray then offered a resolution that to "the title of vice-president should be added that of counsel with a salary of \$1,200 a year," and that the vice-president should receive "a bonus of \$1,000." The resolution was unanimously carried. "Then the \$1,200 you got yearly was as counsel?" said Mr. Osborne.
"According to that language," said Justice Deuel.

"According to that the tice Deuel.

"After that you took your desk in the Ess-Ess offices?"

"My recollection is that it was."

"So then you were the counsel for Town."

"So then you were the counsel for Town Topics?"

"If it says so there it is right."

"Of course it is right," shouted Mr. Osborne. "There is the record."

"And you did your duty as counsel?" continued Mr. Osborne.

"Yes, by all means," said Justice Deuel.

That ended Justice Deuel's examination for the day. Mr. Osborne announced that the cross-examination would take up a

the cross-examination would take up a great part of to-day.

BURLEN LEAVES BOSTON.

Secretary of Provident Securities and Bank-

ing Co. Said to Have Gone to Canada. BOSTON, Jan. 16. - Lorenzo W. Burlen, secretary and treasurer of the defunct Provident Securities and Banking Company, has departed from Boston and is believed to have arrived in Montreal about 'clock to-night. He was not at his home in Brookline last evening when Superintendent of Police Pierce called to see him, and through his attorney he refused to visit District Attorney Moran's office at the latter's request. Burlen's counsel said Moran's "third degree."

Burlen is believed to have left Boston at s o'clock this morning for Canada, No warrant has been issued for his arrest, Supt. Pierce merely desiring to quiz him on the banking company's methods. Word was received here early this afternoon from White River Junction that Burlen was on the Montrealtrain, and at 6 o'clock to-night, when the train reached St. Albans, Vt., the secretary-treasurer received a descriptor from Mhany and continued on espatch from Albany and continued on

into Canada.

It is said that Charles D. Gurley, one of the directors of the concern, has left New York and is also on his way to Montreal, The District Attorney says he has learned

The District Attorney says be has learned that on the night of January 4, the day before the banking place was closed by the court, Burlen called at police station 2 to have an officer go with him to the bank. He wanted to get in there, he said, to obtain some private papers. He said that he was afraid to go there alone lest he might be assaulted by the depositors.

Burlen went to the bank, the patrolman waiting cutside with another patrolman while Burlen and his sen went inside and brought out some boxes. Then they all drove to the police sixtion. What Mr. Moran is anxious to ascertain now is the contents of the boxes.

CHICAGO GRAIN RATES.

Board of Trade Traffic Director Makes Bliver Attack on Railroads.

CHICAGO, Jan. 16 .- In his first annual W. B. Boyd, traffic director for the organi-

MINNESOTA FREIGHT TARIFF. Railroad and Warehouse Commission Has

a Scheme of Sweeping Reduction. St. Patt, Jan. 16.-The Railroad and Warehouse Commission to-day presented a maximum merchandise tariff to officials "And you got a salary of \$1,200 from to show cause why it should not be adopted as a basis hereafter. The proposed tariff is a sweeping reduction.

basis hereafter. The proposed tariff is a sweeping reduction.

The commission took an average of the present distributing rates on first class freight made for given distances by seven roads—the Northern Pacific, Great Northern, Soo, Great Western, Milwaukee, Omaha and Minneapolis and St. Louis. The proposed tariff makes a reduction from that average of 33 cents, or 28 per cent., on a fifty mile haul; 7.66 cents, or 20 per cent., on a hundred mile haul; 8.68 cents, or 16.2-3 per cent., on 150 miles; 3.78 cents, or 7 per cent.

Baking Powder Absolutely Pure.

SEEKS A BUDDHIST MONK'S KIN

STATE OF NEW YORK INFORMED

THAT IT SEEKS IN VAIN. Disciples of Swami, Who Died Here Leaving

a Will, Are His Heirs at Law in Bengal -Unlawful to Mention and Therefore Impracticable to Cite Any Others A complication over a will has been puz-zling Probate Clerk Washburn here, but

ne declared yesterday that the matter had

been all straightened out. The will is that of Swami Vivekenanda, a Buddhist monk, who died at his monastery in India on July 4, 1902. The Swami often came here, as Swamis will. Among his acquaintances was Mrs. Sarah C. Bull of Cambridge, the widow of Ole Bull. Ole Bull visited India and doubtless it was on one of these visits that Mrs. Bull became acquainted with some members of Vivekenanda's faith.

The monk made his will here on July 6, 1900, and directed that the residue of his ins ructed his client not to submit to estate be divided equally among his five executors, Swami Brahmananda of Beloor Math, Howrah district, Bengal, "a disciple of the late Rama Krishna Paramhausa of Dakhihesvar, Bengal"; Swami Saradan-anda, another disciple; Margaret F. Noble of England, otherwise known as Sister Nivedita, a disciple of the testator himself; Francis H. Leggett, the grocer, and Mrs.

Francis H. Leggett, the grocer, and Mrs. Bull.

Beloor Math is the monastery at Beloor, with which the monk was affiliated and Brahmananda is the Abbot. Sister Nivedita lives at 17 Bose Para lane, Bagh Bazsar, Calcutta. The will was witnessed by S. Ellen Waldo of 249 Monroe street. Brooklyn, and Edwin Clinton Harvey of 226 Wast Twenty-fourth street.

There being no wife or child, Mrs. Bull and Mr. Leggett, acting as required by the laws of this State, tried to discover who were the heirs at law and next of kin, who must be notified of an application to probate the

notified of an application to probate the

up against the Buddhist religion, for Mrs. Bull and Mr. Leggett learned that on be-coming a monk Vivelseuande had ferzaken all his kith and kin, so that even if there all his kith and kin, so that even a there were any, which was neither admitted ner denied by the Swami's fellow disciples, no information of them would ever be given by the monastery authorities. Mrs. Bull write to Miss Noble, and got this reply on Marsh 6 lest.

BACH BARAAR, CALCUTTA. Me DEAR MRS Bulls In reply to the con Mr. Edward S. Hosmer regarding the will ration, took the railroads severely to task. Saradananda have also written to you in

W. Leggett's investigations led him to FOUR KILLED IN CAISSON.

For a time to-day depositors were paid

off at the rate of five per minute. This rush kept up for some time, then fell off, but all day depositors kept coming in little bunches for their money. The bank is backed by some of the best

men in the city, among them John Larkin. City Comptroller, who is a director, and President John C. Reilly. Money was ordered from New York to help stave of the run. Officials of the bank decline to-night to say how much money was paid out during the day. President Reilly and other officials of the

President Reilly and other officials of the bank deny emphatically that Armstrong took a cent of the bank's money. They say he simply walked out of the bank and disappeared. The Pittsburg Bureau of Detectives has sent out a circular containing Armstrong's picture and description to every city in the country. This evening Superintendent of Detectives McQuaide sent out a supplementary letter offering \$200 for information regarding his whereabouts. The Washington National Bank was organized April 16, 1903, with \$200,000 capital. Its depositors, together with those of the Washington Trust Company run in connection with it, amount to about \$1,250,000.



Annual Sale

AT "THE LINEN STORE."

Exceptional values are offered in all of the following lines:

Table Cloths, Napkins, Damask by the Yard, Pure Linen Towels, Blankets. **Bed Spreads** and Quilts,

Established

And an important collection of

French Lingerie.

The reduction in many lines is as high as 25%, and the sale offers a splendid opportunity to secure the most reliable goods at a decided saving in price.

James McCutcheon & Co.,

14 West 23d St.



Worth considering, isn't it? A very large part of our overoats have been considerably marked down, the reductions being greatest among the high-Here the State of New York found itself est priced silk-lined garments.

> All our "Tourist" overcoats reduced to \$20—special features.

ROGERS, PEET & COMPANY. Three Broadway Stores. 842 1260

Warren st. 13 h st. 32nd st



PUMP FORCES DEADLY GASES IN ON THE MEN.

Grease on Air Reservoir Catching Fire the Cause Foreman Shaller, Chief Engineer's Son, Saves Two Workmen at Risk of H s Life - Dead All Negroes.

Four men working in a steel caisson being sunk as a shaft for the Belmont tunnel at Forty-second street were killed early vesterday morning.

The caisson is being sunk at Man o' War's reef off the southern point of Blackwell's Island. It is cleven feet in diameter and thirty feet high and bottle shaped, with the airlock in the neck and the bottom twenty feet below high water mark. A pump first forces air into a steel receiver eight feet high and from this tank the air goes through a four inch rubber tube into the neck of the caisson just below the air

In some unexplained way the grease and oil which had collected on the inside of the air reservoir got afire. This could not be detected by those on the outside, but the six men inside knew it quickly. The six-all negroes-climbed up to the staging erected above the water level and gave three raps on the cylinder-the signal of discress. Howard Shailer, Chief En ginger Shailer's son, heard the raps, rushed the air lock and caught a faint smell of burning rubber. The bucket was hauled up through the air lock empty.

"I'll go down myself," said Shailer to the six men who work above ground. The bucket is built to carry two men, but Shailer knew that on a pinch he could get three into it. He was lowered once, but had to signal to be pulled up again.

Even with the air lock open and the fresh air pouring in, the steel chamber was filled with stifling gas. He got a breath of fresh air and was lowered again. Again he had to be rulled up.

air and was lowered again. Again he had to be pulled up.

On the third attempt enough fresh air had poured in to enable him to rescue the only ones who were alive. He found four men stretched on the staging above the water mark. The other two had fallen to the bottom, where the water was rushing in. Shailer got two men into the bucket, elimbed in bimself and all were hoisted.

James McCreery & Co.

Men's Haberdashery Department

Fine Shirtings, in the latest weaves and colors, for Spring are now on exhibition.

As the Spring season taxes the staff and is a very extreme demand on the stock, early orders will be sincerely appreciated.

Samples sent on request. On January the 17th.

Sale of stiff bosom shirts,with cuffs attached. Made of fine embroidered batiste and Russian cord Madras.

2.25 each

v. Inc 4.00 Negligee Shirts,-made of English Oxford Shiriing.

> 2 25 value 3.50

Twenty-third Street. James McCreery & Co.

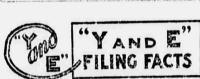
Three-quarter length black Broadcloth Coais. Semifitting or Empire model. Lined with Satin.

Ladies' Coats.

22.50. value \$30.00 Fur lined black Broadcloth

Coats. 20.50 39.50 and 48 00 formerly 45.00 to 75.00

Twenty-third Street.



27---The Modern Business Man hates nothing so much as Sheer Waste.

The steps you take---when records might be placed within arm's reach --- mean energy simply thrown away.

you like to know about this "Y and E" Vertical, Tray Outfit with a capacity of 3,000 letters or papers? **GJUST** "PHONE US to mail you "Y and E" Vertical Booklet 510.

permit from the city. Corporation Counsel Delany said yes erday that investigation had shown that so far they were on properly owned by the company and that the minute owned by the company and that the minute they tunnelled under any o her property they tunneted under any oner proper, y they would be altopped.

Fapers sent to test the rights of the company have been prepared and long li igation is likely to follow. Not with a anding this fact, the company is prosecuting its work night and day and is said to have a tunnel a quarter of a mile long.

Depew Out of Union Trust Board. Chauncey M. Depew has resigned from the directorate of the Union Trust Company. He was succeeded by Walter P. Bliss. Amos S. Carhart was elected a director to succeed George R. Carhart.

IN Manager Store

Store Closes at 5:30 P. M.

Sale of Young Men's Overcoats \$15 Overcoats---\$8 Each \$18 Overcoats---\$10 Each

Broken lots-so we carved a generous slice off the regular prices of these well-made, stylish Overcoats:

They're all cheviots-Oxfords, black and fancy mixtures. Cut long: full, roomy backs and brimful of dashing style that young men like so well, For young fellows of fourteen to twenty years.

Superb value, truly. Prudent young men should hurry these out in double-quick time.

\$8 Each, were \$15 \$10 Each, were \$18

By the way, yesterday's bad weather stood in the way of our parting with all of those Suits we told you about. So young men of fourteen to twenty have another chance today. Single and double-breasted fancy

> \$10 to \$13.50 Suits-\$8 Each \$15 to \$20 Suits-\$12 Each \$22 to \$25 Suits-\$14.50 Each Second floor, Fourth ave.

Saving on Silverware

Do you care to save a third to one-half on a five piece quadruple-plate Tea Set, a Butter Dish or Candelabra, either for the adornment of your own sideboard or to give as an acceptable present?

Does the possibility of saving one-fourth on beautiful pieces of Sterling Silver, such as Bonbon and Fruit Dishes, Cigar Jars, Coffee Sets and Compotiers interest you? Then your opportunitity lies in this Annual Sale of Silver, for all the wares just mentioned, and scores of other desirable pieces are here for your selection at the same savings. But don't delay-the prizes are being eagerly claimed by those who watch for the yearly recurrence of this Wanamaker event. The three great groups:

Quadruple Plated Tableware One-third to One-half Under-Price Rogers' Extra Plate Kn ves, Forks, Spoons and Serving Pieces at

Sterling Silver a Quarter Under Price

Sik-and-Cotton Crepe de Chine 25c a Yari, worth 50c

There were 20,000 yards in this purchase; but yesterday's eager buying has made a difference. And when the whole lot has departed it will be impossible to buy this fabric

again even at twice the present price. The willowy suppleness and rich luster of all-silk crepe de Chine make this beautiful silk-and-cotton material a joy forever. These pretty colors:

White, light blue, light gray light belietrope, cardinal, creun, pink, Nile green, champagne, navy blue, and black.

At 25c a Yard, worth 50c

BLANKETS And Down Quilts Comfortable news. For physical

comfort all night, and, all day, a comfortable feeling of having saved money on a valueful purchase: White Wool Blankets, 72x32 in and 78x32 in.; red, blue and pirk borders, with silk binding, 5 and

6 pounds. Fine cotton warp, wool filling. \$3.90 a pair, worth \$5.50 Full-size Down Quilts of best American 'sateen; in dark colors, chiefly. Made in our own factory;

sanitary, pure and clean. \$2.90 each, worth \$4.50. Full-size Down Quilts; figured silk centers with plain silk borders; sateen backs. Attractive designs and coloring : \$6.35 each, worth \$8.

Tried and True Sewing Machines At a Saving.

Tested, efficient, enduring Sewing Machine -the kinds you know, and trust and gladly pay much higher prices for

This is a little turn of Fortune's wheel toward economical women wi need sewing machines and insist on good ones:

The Wenamaker-Metropo itan at \$14.75 Drop head, high arm, ball-bearing throughout, swell front, five drawers, double feed, self-threading shuttles, automatic bobbin winder,

and comple e sai of attachments. Guaranteed for five years.

\$22.50 Sewing Machines for \$17.75 Clarendon Drop-head Automatic-lift Sewing Machines, with the drawers, highly polished case, and full set of a tachments; ah omilia

bobbin winder. Guaranteed for five years. And the best sewing machine-quickest, lightest, surest, most losting we have been able to find-the STANDARD ROTARY SHUTTLE SEWEN MACHINE on an easy Club Plan. \$5 as first payment and \$3 monthly there after. The prices are the lowest at which these marvels of mechanism are sold, \$32 and upward-with an added dollar for clerical expenses.

Housefurnishing Store, Basement JOHN WANAMAKER

Formerly A. T. St. wart & Co., Froasway, Fourth Abenue, Ninth and Tenth Streets.

Browning, King & Co

Belween Seasons.



The Soft Shirt has won its way as a garment for wear all the year round.

A large manufacturer has disposed of all the odd pieces of his season's stock to us and we've had them made up into about 175 dozen Men's Negligee Shirts. Plain or Pleated Bosoms and with cuffs

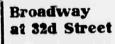
attached or detached—the usual \$2 and

While they last, take your choice at

Eighty-five Cents.

All our Boys' Overcoats at the Broadway store-15 to 18 years-are now reduced from \$18, \$20 and \$22 to \$13.50.

"Sa'es be'ween seasons," said Beau Brummeil, "do at times produce real money-saving bargains."





Cooper Square at 5th Street